

REMARKS

The claims are 1-23, 46, and 56-58, with claims 1, 19 and 22 being independent. Claims 1, 3-23 and 58 have been amended to place the claims in proper format (remove multiple dependencies) or to read in accordance with the restriction requirement in this case. Claims 24-45 and 47-55 have been cancelled with out prejudice or disclaimer.

Claims 56-58 have been withdrawn from consideration. Applicants respectfully request examination of these claims, as these claims depend from Claim 1 and are directed to compounds of Group I. Applicants request rejoinder of Claim 46 on allowance of elected Claims 1-23 and 56-58.

Claims 1-23 were rejected under 35 U.S.C. 112, first paragraph. Solely to expedite prosecution of this case, Applicant has amended the claims to recite "hydrates." Support for this amendment may be found at page 11, lines 12-20.

Claims 1-23 were rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite for use of the terms "contains" and "containing." This rejection is moot in view of the amendments made to bring the claims in conformity with the restriction requirement.

Claims 1-23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 49-57, 59-67, and 71 of copending Application No. 10/508,894. The Examiner contends that these conflicting claims are not patentable distinct from each other because they are in a relationship between the species and the genus – "mostly the scope of the current invention and that of the copending Application No. 10/508,894 are inclusive of each other in view of comparing their variables in their respective claims; they are overlapped with each other." Applicants wish to point out that the definition of the W groups ( $W^1$ ,  $W^2$ ,  $W^3$ ), as well as the provisos of the claims in each application serve to exclude any allegedly overlapping subject matter. Withdrawal of this double patenting rejection is respectfully requested.

Claims 1-7, 9-12, 14, 16, 19, 21, and 23 were rejected under 35 U.S.C. 102(e) as allegedly anticipated by Collins et al. (US 2004/0072868) and were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Collins et al. (J. Med. Chem., 2002, 45, 1963-1966). Applicants again wish to point out that the definition of the W groups ( $W^1$  and  $W^2$ ), as well as the provisos of the claims serve to exclude the compounds disclosed in each of the Collins references. Withdrawal of these Section 102 rejections is respectfully requested.

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Group Art Unit: 1625

In view of the foregoing amendments and remarks, Applicants respectfully submit that the subject application is in condition for allowance. Applicants believe that they have addressed each of the Examiner's concerns and met each of the objections. If the Examiner has any remaining objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issues and advance the case to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathryn L. Sieburth". The signature is fluid and cursive, with the first name "Kathryn" being more prominent.

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